

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

TIDEWATER UTILITIES, INC. APPLICATION)	DNREC CERTIFICATE NO.
FOR A CERTIFICATE OF PUBLIC)	92-CPCN-12
CONVENIENCE AND NECESSITY FOR THE)	
"CONGRESS HALL" SUBDIVISION.)	
(FILED DECEMBER 29,1992))	

IN THE MATTER OF THE APPLICATION OF)	
TIDEWATER UTILITIES, INC. TO ABANDON)	
UNDER 26 DEL. C. §203A(d))	
WATER SERVICES PROVIDED UNDER A)	PSC DOCKET NO. 17-0155
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY - CONGRESS HALL.)	
(FILED MARCH 28, 2017;)	
AMENDED April 7, 2017))	

ORDER NO. 9069

AND NOW, this 20th day of June, 2017, the Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, on December 28, 1992, by way of Certificate No. 92-CPCN-12, the Department of Natural Resources and Environmental Control ("DNREC") granted a Certificate of Public Convenience and Necessity ("CPCN") to Tidewater Utilities, Inc. ("Tidewater") to provide water services for the Congress Hall Subdivision located in New Castle County; and

WHEREAS, on July 1, 2001, the Commission regained jurisdiction in this matter, including the authority to enter such further Orders and conduct such further proceedings as it deemed necessary or proper; and

WHEREAS, on March 28, 2017, Tidewater submitted an application, and on April 7, 2017 submitted an amended application ("Amended Application"), to the Commission which sought approval to abandon or

discontinue providing water operations or service for the area described in DNREC Certificate No. 92-CPCN-12, formerly known as Congress Hall Subdivision and currently known as a portion of Bayberry South (the "Area"); and

WHEREAS, 26 Del. C. §203A(d)(1) provides that no public utility shall abandon or discontinue, in whole or in part, any business, operations, or services provided under a CPCN or otherwise, which are subject to jurisdiction of the Commission without first having received Commission approval for such abandonment or discontinuance; and

WHEREAS, 26 Del. C. §203A(d)(3) provides that the Commission shall approve any application for abandonment when it finds that the utility has met its burden of proving that the abandonment or discontinuance is reasonable, necessary and not unduly disruptive to the present or future public convenience and necessity; and

WHEREAS, based on its review, Staff recommends that the Commission approve the Amended Application because it believes that Tidewater has met its burden of proof as set forth in 26 Del. C. §203A(d)(3). First, the abandonment is reasonable because Tidewater has stated that it has not built any plant to supply water service to the Area. Second, it is necessary as the owner of the Area has consented to Tidewater removing the Area from their current water service territory. Tidewater noted that the Area is located within an region more readily served by a different water company. Artesian Water Company has informed Tidewater that they are willing to provide water service to the Area. Lastly, the abandonment will not be unduly

disruptive to the present convenience and necessity because no existing Tidewater customers are located within the Area. Hence, Staff finds that the abandonment will not be unduly disruptive to the future public convenience and necessity because the owner of the Area and any future customers should be able to seek water services from another public utility;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE
VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. The Commission hereby approves Tidewater's Amended Application.

2. Tidewater shall, consistent with our previous practices, provide to the landowner of the Area at least 30 days' prior written notice of Tidewater's abandonment of water services. Tidewater shall provide proof of such written notice to Commission Staff on or before August 15, 2017.

3. Tidewater is hereby notified that it will be assessed the costs of this proceeding pursuant to 26 Del. C. §114(b)(1).

4. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Chair

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

Secretary